

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

*[Enter your name, address and telephone number]*

SCOTT M. WILHELM, Esq.  
Winegar, Wilhelm, Glynn & Roemersma, P.C.  
305 Roseberry Street  
Phillipsburg, New Jersey 08865  
Telephone: (908) 454-3200  
Facsimile: (908) 454-3322  
Email: [wilhelms@wwgrlaw.com](mailto:wilhelms@wwgrlaw.com)  
Attorney for Debtor

**In Re:**

*[Enter the debtor's name(s)]*

John A. Higley and Kelly S. Higley

Case No.: 22-11146  
*[Enter the case number]*  
Chapter: 7  
*[Enter the chapter; example: 13]*  
Hearing Date: May 23, 2023  
*[Enter the hearing date]*  
Judge: KCF  
*[Enter the Judge's last name]*

**NOTICE OF MOTION TO REOPEN CASE**

*[Enter your name(s)]* John A. Higley and Kelly S. Higley has filed papers with the court requesting that an order be entered allowing the *[Enter your role in the case, example: debtor, creditor, etc.]* Debtors to reopen the case for the purpose of *[Enter the reason why you need the case to be reopened]* Filing a proposed reaffirmation agreement with their mortgagee.

**YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: May 23, 2023  
*[Enter the date of the hearing]*  
Hearing Time: 10:00 a.m.  
*[Enter the time of the hearing]*  
Hearing Location: United States Bankruptcy Court  
*[Enter the location of the hearing]*  
402 East State Street  
Trenton, NJ 08608  
Courtroom Number: 2  
*[Enter the courtroom number]*

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

*[Enter the trustee's name and address]*

*[Enter the name and address of all other parties who will be affected by this motion]*

Andrea Dobin, Esq.  
Chapter 7 Trustee  
427 Riverview Plaza  
Trenton, NJ 08611

U.S. Trustee  
50 Walnut Street  
Ste. 3017  
Newark, NJ 07102

KNL Law Group  
701 Market Street  
Ste. 5000  
Philadelphia, PA 19106

If you, or your attorney, do not take the steps outlined above, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: April 5, 2023  
*[Enter the date this document is signed]*

/s/ Scott M. Wilhelm, Esq.  
Signature *[Of the party seeking relief]*

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Email: [wilhelms@wwgrlaw.com](mailto:wilhelms@wwgrlaw.com)  
Attorney for Debtor

In Re:

JOHN A. HIGLEY and  
KELLY HIGLEY

Case No.: 22-11146-KCF

Chapter: 7

Hearing Date: May 23, 2023

Judge: KCF

**CERTIFICATION OF SCOTT M. WILHELM, ESQ.**

I, **SCOTT M. WILHELM, ESQ.**, attorney for the debtors in the above captioned cases, submits the Certification in support of my Motion to Reopen Case.

1. I submit this Certification in support of my Motion to Reopen Bankruptcy Case.
2. The bankruptcy case was filed on February 14, 2022.
3. The bankruptcy case was closed on May 17, 2022 as Debtors received a Discharge of Debt on May 17, 2022 as the Interim Chapter 7 Trustee had performed her duties.
4. Through this motion, I request that this case be reopened so I have the opportunity to file a proposed reaffirmation agreement with Debtors' mortgagee.
5. On February 14, 2022, the Debtors filed a voluntary Chapter 7 case. See ECF document #1.
6. On the same date, the Debtors filed a Schedule D, which listed Rocket Mortgage, LLC as the secured creditor of their principal residence. Id.

7. On that same date, the Debtors filed Official Form 108 “Statement of Intention for Individuals Filing Under Chapter 7”, in which they stated an intention to enter into a reaffirmation agreement with Rocket Mortgage, LLC. *Id.*
8. On May 17, 2022, the Court granted the Debtors a discharge of their debts, pursuant to 11 U.S.C. § 727. *See ECF document #20.*
9. On May 17, 2022, the Court closed the Debtor’s case. *See ECF document # 21.*
10. Between the opening and the closing of the case, I inadvertently failed to ensure that a reaffirmation agreement with the Debtors’ mortgage was filed.
11. From the date of the filing of the Bankruptcy Petition through the present, the Debtors have remained current on their mortgage payments.
12. According to the Debtors, the Mortgagee has accepted the Debtors’ mortgage payments. However, Rocket Mortgage, LLC has refused to report the payments to the credit reporting agencies, which has affected the Debtors’ credit score.
13. In January 2023, the Debtors contacted me at which time I realized that a reaffirmation agreement had not been entered into between the Debtors and the mortgagee.
14. Since January, I have been working with Rocket Mortgage, LLC, on the terms of a proposed reaffirmation agreement. While the mortgagee is amendable to a reaffirmation agreement, it will not execute same unless the Debtors’ case is re-opened. *See Exhibit “A”* attached hereto.
15. Due to the proceeding, I believe there is good cause to re-open the Debtors’ bankruptcy case for the limited purpose of filing a reaffirmation agreement.
16. I certify that the preceding statements are true. I understand that if any of the foregoing are willfully, I am subject to punishment.

Date: April 5, 2023

/s/ Scott M. Wilhelm, Esq.  
SCOTT M. WILHELM, ESQ.

EXHIBIT “A”

## Jennifer Cerrato

---

**From:** Kresimir Grgurevic <krgurevic@kmlawgroup.com>  
**Sent:** Friday, March 31, 2023 2:14 PM  
**To:** Jennifer Cerrato  
**Cc:** Scott Wilhelm; Archive  
**Subject:** RE: Rocket Mortgage Laon # 3455964251 - NJ76810BK

They stated they would like the case re-opened prior to executing the reaffirmation.

**Krešimir Grgurević (he/him)**  
Bankruptcy Manager  
**KML Law Group, P.C.**  
Pennsylvania and New Jersey  
[krgurevic@kmlawgroup.com](mailto:krgurevic@kmlawgroup.com)  
Direct: 215-825-6375 Ext. 8375  
Main Number: 215-627-1322



**📧 Please consider the environment before printing this e-mail.**

This electronic mail message, and any attachments transmitted with it, contain confidential information, intended only for the named addressee(s). If you are not the intended recipient or the person responsible for delivering this email to the intended recipient, you are hereby notified that any use, distribution, copying or disclosure of this communication is strictly prohibited. If you have received this email in error, please immediately notify the sender by reply email, and delete all copies of this communication from your computer and network. Thank you.

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**From:** Jennifer Cerrato <jenniferC@wwgrlaw.com>  
**Sent:** Monday, March 27, 2023 4:28 PM  
**To:** Kresimir Grgurevic <krgurevic@kmlawgroup.com>  
**Cc:** Scott Wilhelm <wilhelms@wwgrlaw.com>; Archive <archive@kmlawgroup.com>  
**Subject:** RE: Rocket Mortgage Laon # 3455964251 - NJ76810BK

Thank you for the update.

---

**From:** Kresimir Grgurevic <krgurevic@kmlawgroup.com>  
**Sent:** Monday, March 27, 2023 4:03 PM  
**To:** Jennifer Cerrato <jenniferC@wwgrlaw.com>  
**Cc:** Scott Wilhelm <wilhelms@wwgrlaw.com>; Archive <archive@kmlawgroup.com>  
**Subject:** RE: Rocket Mortgage Laon # 3455964251 - NJ76810BK

I am awaiting a response from our client at this point. Once received I will let you know.

**Krešimir Grgurević (he/him)**  
Bankruptcy Manager  
**KML Law Group, P.C.**  
Pennsylvania and New Jersey  
[krgurevic@kmlawgroup.com](mailto:krgurevic@kmlawgroup.com)  
Direct: 215-825-6375 Ext. 8375  
Main Number: 215-627-1322

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DISTRICT OF NEW JERSEY

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**In Re:**  
*[Enter the debtor's name(s)]*

John A. Higley and Kelly S. Higley

Case No.: 22-11146  
*[Enter the case number]*  
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*[Enter the chapter; example: 13]*  
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Judge: KCF  
*[Enter the Judge's last name]*

**STATEMENT AS TO WHY NO BRIEF IS NECESSARY**

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the court's consideration of this motion, as it does not involve complex issues of law.

Date: April 5, 2023  
*[Enter date this document is signed]*

/s/ Scott M. Wilhelm, Esq.  
Signature *[Of party seeking relief]*

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Attorney for Debtor

**In Re:**

*[Enter the debtor's name(s)]*

John A. Higley and Kelly S. Higley

Case No.: 22-11146  
*[Enter the case number]*

Chapter: 7  
*[Enter the chapter of the case]*

Hearing Date: May 23, 2023  
*[Enter the hearing date]*

Judge: KCF  
*[Enter the Judge's last name]*

**CERTIFICATION OF SERVICE**

1. I, *[Enter your name]* Scott M. Wilhelm, Esq. am the *[Enter your relationship to the case. For example, debtor, debtor's attorney]* Debtors' attorney in this case.
2. On *[Enter the date you served the documents]* April 5, 2023, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.  
*[Place a check next to each document you served]*

☒ Notice of Motion to Reopen Case

☒ Certification in Support of Motion to Reopen Case

☒ Statement as to Why No Brief is Necessary

☒ Proposed Order Granting Motion to Reopen Case

☐ Other \_\_\_\_\_  
*[Specify the additional document(s) served]*



3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated below.

Date: April 5, 2023  
*[Enter the date you signed this document]*

/s/ Scott M. Wilhelm, Esq.  
 Signature *[Of the person who served the documents]*

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
<i>[Enter the name and address of the party you served]</i>  Andrea Dobin, Esq. Chapter 7 Trustee 427 Riverview Plaza Trenton, NJ 08611	<i>[Enter the party's relationship to the case]</i>  Interim Chapter 7 Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other <u>e-file</u> (As authorized by the court or rule. Cite the rule if applicable.)
<i>[Enter the name and address of the party you served]</i>  U.S. Trustee 50 Walnut Street Ste. 3017 Newark, NJ 07102	<i>[Enter the party's relationship to the case]</i>  U.S. Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other <u>e-file</u> (As authorized by the court or rule. Cite the rule if applicable.)
<i>[Enter the name and address of the party you served]</i>  Rocket Mortgage, LLC c/o KML Law Group 701 Market Street Ste 5000 Philadelphia, PA 19106	<i>[Enter the party's relationship to the case]</i>  Mortgagee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other <u>e-file</u> (As authorized by the court or rule. Cite the rule if applicable.)
<i>[Enter the name and address of the party you served]</i>	<i>[Enter the party's relationship to the case]</i>	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)

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John A. Higley and Kelly S. Higley

Case No.: 22-11146

*[Enter the case number]*

Chapter: 7

*[Enter the case number]*

Hearing Date: May 23, 2023

*[Enter the hearing date]*

Judge: KCF

*[Enter the Judge's last name]*

**ORDER GRANTING MOTION TO REOPEN CASE**

The relief set forth on the following pages, numbered two (2) through *[Enter the number of the last page of this Order]* 2 is **ORDERED**.

*[Leave the rest of this page blank]*

The Court having reviewed the movant's Motion to Reopen Case, and any related responses or objections, it is hereby

ORDERED that:

1. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* The Debtors' case is re-opened for the limited purpose of allowing the debtors to file a proposed reaffirmation agreement with Rocket Mortgage, LLC;  
\_\_\_\_\_  
\_\_\_\_\_

It is further Ordered that:

2. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* Upon the filing of the proposed reaffirmation agreement, the Clerk shall schedule a telephonic hearing to determine whether to approve the reaffirmation agreement;  
\_\_\_\_\_  
\_\_\_\_\_

It is further Ordered that:

3. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* Immediately upon this Court's decision whether to approve the reaffirmation agreement, the case shall be closed.  
\_\_\_\_\_  
\_\_\_\_\_

4. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_